

APR 14 2015



Town of  
**Silverton**

PO Box 250  
Silverton, CO 81433  
970-387-5522



**SAN JUAN COUNTY**

PO Box 466  
Silverton, CO 81433  
970-387-5766

April 13, 2014

Martin Hestmark  
United States Environmental Protection Agency  
1595 Wynkoop St.  
Denver, CO 80202-1129

Dear Martin;

The Town of Silverton Board of Trustees and the San Juan County Commissioners would like to express our concerns with the EPA's recent request for soil testing. The request itself could have been done in a manner that was more sensitive to the concerns of the Town and County as previously stated to the EPA. The Town Board was somewhat blindsided by your request. A short memo explaining to the Board what EPA hoped to accomplish and why this action was necessary would have gone a long ways in allowing for a much more productive discussion. It could have been even more productive had the EPA worked with Town staff prior to the meeting so that staff would have been prepared to comment and make recommendations to the Board. The County Commissioner were not even informed that the EPA would be addressing the Town. While the County recognizes that the request was totally with the Town's jurisdiction we find it odd that the County, after working with EPA for so many years, would be left out of this important conversation. However, the biggest flaw in the process was bringing the School District into the discussion without talking directly with the School Superintendent. The Superintendent spent the next day on damage control informing the community that an environmental review of the school grounds had been completed and nothing was found that would raise health concerns.

We also question EPA's justification for requesting the soil tests. A couple of samples from 15 years ago that apparently didn't raise any significant red flags with the Colorado Department of Public Health and Environment or with EPA when they were initially analyzed. We are unaware of any medical studies or individual cases where the soils have had an adverse impact on a child or adult's health. We have generation after generation after generation that have lived most or all of their lives in Silverton without suffering any health related issues from their long term exposure to the mineralized soils. Despite the minimum justification EPA managed to maximize the fears in parents as well as raise concerns for property owners.

As many of us have previously expressed to the EPA, the negative publicity of contaminated soils and possible Superfund listing could be devastating to our tourist economy and further diminish property values. Silverton's economy is a tourism based industry. Without the sales tax that is generated from tourists the Town would not be able to continue to provide basic services. More importantly, the vast majority of our businesses are tourist related. Even a slight decrease in visitors could be devastating to many business owners and would cause some to permanently close their doors. Additionally, these tourist oriented businesses are often dependent upon short

term loans to purchase merchandise and to get them through the slow season. Getting financing in Silverton can be difficult. Citizens State Bank of Ouray has a branch office located in Silverton but we don't have a real

"local" bank that is invested in the Town and willing to invest in local businesses. We are concerned that being listed as a Superfund site could make financing for businesses and individuals even more difficult. We are also concerned that the Federal Housing Authority would not provide mortgage insurance for housing located within a superfund site. We also wonder what the impact will be to obtain affordable property insurance if the Town were to be listed.

With the potential listing we also fear that property values will continue to decline. With the downturn in the economy San Juan County has suffered through several years of declining property values. While other economies around the state and nation have been rebounding we have not been so fortunate. Any further reduction in property values will cause the County to decrease basic services.

Before this process moves any further we would like to meet with EPA to develop a much better understanding of what would be done, why it needs to be done and what will be the consequences of those actions and maybe more importantly what are the unintended consequences of those actions. The following is a brief list of questions that we would like answer.

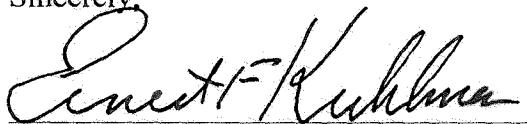
*so assessment* → *consistent* → *? 72 Steve*

1. What would be the EPA's *protocol* for soil testing
2. What is the numerical value for each heavy metal tested that would result in remediation
3. Who would be responsible for that remediation → *EPA*
4. How immediate would the remediation be
5. Could remediation occur without superfund listing
6. What would cause an expansion of testing soil testing program → *explained incorrectly*
7. What would trigger the Town to be placed on the National Priorities List
8. If the Town were to be listed how long do you estimate we would be listed and what would be required to be removed from the listing. →
9. What could EPA do directly or indirectly to minimize the adverse impacts of negative publicity, lower property values, business financing, maintaining affordable property insurance, and obtaining mortgage insurance →

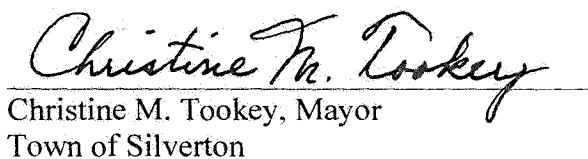
The Town and County have no intention of putting our heads in the sand and hoping this will all go away. However, we do not believe that you have provided adequate evidence to support a concern that the soils are a substantial health risk. It was suggested by EPA staff that ASARCO and Sunnyside funding might be available to cover remediation expenditures. If that money is used in Silverton it would not be available for work in Cement Creek which has been the primary environmental concern for more than 20 years. If we are going to work cooperatively on environmental issues throughout San Juan County it is critical that we improve our communications. Your staff has spent numerous days in Silverton discussing these issues with several members of the community. We have to wonder if they were really listening to our concerns, if they were listening but they did not understand how critical those concerns are, or did they listen to our concerns but determined that the EPA knows what is better for Silverton and San Juan County than we do.

We look forward to meeting with you and your staff to better clarify your position and we can further clarify our concerns and issues.

Sincerely,



Ernest F. Kuhlman, Chairman  
San Juan County Commissioners



Christine M. Tookey, Mayor  
Town of Silverton

cc: Congressman Scott Tipton  
Senator Michael Bennet  
Senator Cory Gardner  
Governor John Hickenlooper